

REMARKS

I. INTRODUCTION

No new matter has been added. Thus, claims 1-14 remain pending in this application. It is respectfully submitted that based on the following remarks, all of the presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 102(e) REJECTIONS SHOULD BE WITHDRAWN

Claims 1 and 10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,437,797 to Ota (hereinafter "Ota"). (See 09/25/07 Office Action, p. 2).

Ota is directed toward a method of image reproduction. Images are captured using a camera, and the GPS information relating to each captured image is recorded along with the image. The image is then transferred to a display device where the images are displayed along with a map showing the location where the image was captured. Ota allows a user to access the location where the image was captured and create albums in accordance with the place of capture. (See Ota Abstract).

Claim 1 recites a display arrangement being arranged "to display in the time mode a representation (90) of a time interval together with representations (92) of those data items that have respective time information in the time interval, the representations of data items being displayed at locations corresponding to the respective time information." The Examiner asserts that this recitation of claim 1 is disclosed by Ota in Figure 9 elements 64B, 64E, and 64F. (See 09/25/07 Office Action p. 3). Applicants respectfully disagree.

Ota allows a user to select a specific image and view the time stamp of that specific image. "As shown in FIG.9, when a desired *image* is designated, the *image* file of the *designated image* is opened...The image display screen 64 shows the designated image 64A, the capturing time 64B of the image, latitude 64C, longitude 64D." (See Ota col. 5, ll. 43-50; Figure

9). A display of a capturing time is not “a representation (90) of a time interval” as recited in claim 1. The display of the capturing time in Ota is simply that, a single time entry for a single image. There is no time interval associated with a single picture and there is surely no “representation (90) of a time interval” shown or suggested by the reference numeral 64B of Fig. 9, or its accompanying description in the specification of Ota.

Furthermore, Ota teaches that a title 64E and a description 64F may be displayed with the image. (See Ota col. 5, ll. 43-50; Figure 9). Thus, in Fig. 9 of Ota, a latitude 64C, a longitude 64D, a title 64E (stating a location in the example) and a description 64F (also stating a location in the example) are shown. All these items are related to the location that the image 64A was taken, not the screen location where the items are displayed. The items 64C-F may be displayed anywhere on the screen. The screen *location* of items 64C-F is irrelevant to the screen *location* of the capturing time 64B. There is no teaching or suggestion in Ota that the display of any of the items 64C-F are “being displayed at locations corresponding to the respective time information” as recited in claim 1.

The only other discussion of time display in Ota occurs with respect to Fig. 10. Specifically, Ota allows the user to display all captured images by location, and the associated time stamps with each image, using a **digital map**. “If a ‘DISPLAY CAPTURING TIME’ button 72B is clicked on the digital map screen 72, the capturing time is displayed at each capturing place on the digital map.” (See Ota col. 6, ll. 17-20). This allows the user to see the time stamp on all of the images currently being displayed on the map. There is no specified time interval, only the random times associated with the images being displayed. There is also no representation of a time interval. The representation is of a map (or a location), not a time interval. This contrasts with claim 1 which specifically recites “to display in the time mode a representation (90) of a *time interval* together with representation (92) of this data item that have respective time information in the time interval.”

The Examiner further asserts that “It is inherent for different captured image to be displayed at a different time interval.” (See 09/25/07 Office Action p. 8). Applicants respectfully disagree. The MPEP specifically states

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is *necessarily* present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. ***Inherency, however, may not be established by probabilities or possibilities.*** The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

(See MPEP § 2112 part IV). The Examiner, however, does not state as to why the time interval feature would be inherently necessary to Ota. In fact, this is not something that is inherent to Ota. As stated above, Ota specifically teaches only the ability to display the time stamp of a specific file, and the ability to display all time stamps of files being displayed on a map. The ability to display images in a time interval is not something that can be inherently seen in this type of system.

Thus, Applicants submit that Ota does not teach or suggest, "to display in the time mode a representation (90) of a time interval together with representations (92) of those data items that have respective time information in the time interval, the representations of data items being displayed at locations corresponding to the respective time information" as recited in claim 1. Therefore, Applicants submit that claim 1 is allowable over Ota.

Independent claim 10 recites, "in the time mode, displaying on a display screen representations (92) of data items in a time interval on a time line according to the time information stored in the memory corresponding to the data items." Applicants submit that claim 10 is allowable for at least the same reasons given above with respect to claim 1.

III. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 2, 3, 5-9 and 11-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ota in view of U.S. Patent Publication No. 2002/0154150 to Ogaki et al. (hereinafter “Ogaki”). (See 09/25/07 Office Action, p. 5).

Applicants submit that Ogaki does not cure the above-described deficiencies of Ota with respect to claims 1 and 10. Because claims 2, 3 and 5-9 depend from, and therefore include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 1. Because claims 11-14 depend from, and therefore include all the limitations of claim 10, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 10.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ota in view of Ogaki in further view of U.S. Patent No. 6,801,777 to Rusch (hereinafter “Rusch”). (See 09/25/07 Office Action, p. 7).

Applicants submit that Rusch does not cure the above-described deficiencies of Ota and Ogaki with respect to claim 1. Because claim 4 depends from, and therefore includes all the limitations of claim 1, it is respectfully submitted that this claim is also allowable for at least the same reasons given above with respect to claim 1.

CONCLUSION

In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.


Please direct all future correspondence to:

Yan Glickberg, Esq.
IP Counsel

Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9618
Fax: (914) 332-0615
Email: yan.glickberg@philips.com

Respectfully submitted,

Dated: November 26, 2007

By: 
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
Phone: 212-619-6000
Fax: 212-619-0276